IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5754 OF 2004

Dharmavijay Chandru Shedage ...Applicant.
V/s
The State of Maharashtra ...Respondent.
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Mr. Ganesh Gole for Mr. Manish Patil for the applicant.

Mr. A.S. Shitole,APP for the State.
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CORAM: V.M.KANADE,J.

DATE: 23rd March, 2005

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. Applicant is convicted by the Trial Court for the offence punishable under section 392 read with section 397 of the Indian Penal Code and is sentenced to suffer R.I. for seven years.

3. Prosecution case is that the applicant along with the other acused entered a shop of ready-made garments and committed dacoity and, thereafter, ran away in a taxi. Prosecution case is that he was apprehended near the signal by the police constable and the applicant has been identified in the test identification parade by the complainant and his son.

4. The learned Counsel appearing for the applicant submits that the applicant is in jail since last two and half years. He is the only earning member in the family and appeal is not likely to be heard in the near future. He, therefore, submits that under these circumstances, applicant may be released on bail.

5. The learned APP for the State vehemently opposed this application for bail. He submitted that the applicant is a history-sheeter. There are six cases in various Police Stations and in all these cases applicant is involved. He has committed similar offence under section 394 read with section 34 of the IPC. He is also involved in one offence under section 302 of the IPC.

6. Considering the antecedents of the applicant, this is not a fit case for grant of bail. Application for bail is rejected. Hearing of the appeal is expedited. Liberty to the applicant to prepare a private paper-book and apply for fixed dated of hearing.

V.M. KANADE, J.